

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,	)	
	)	
Plaintiff,	)	
	)	<b>ORDER REVOKING PRETRIAL RELEASE</b>
vs.	)	
	)	
Darnell Wayne Sylvester,	)	Case No. 1:20-cr-068
	)	
Defendant.	)	

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Defendant is charged in a Second Superseding Indictment with conspiracy to distribute and possess with intent to distribute controlled substances in violation of 21 U.S.C. § 846. (Doc. No. 749). He was arrested in Detroit, Michigan and on July 14, 2020, made his initial appearance before the United States District Court for the Eastern District of Michigan, which, on motion by the United States, ordered him detained pending a detention hearing. (Doc. No. 250, 252). Following a detention hearing on July 15, 2022, that court released defendant subject to a number of conditions and a \$10,000 unsecured bond pending his arraignment before this court. (Id.).

On August 5, 2022, defendant appeared before this court for his arraignment. (Doc. No. 285). Following his arraignment, this court issued an order continuing his release subject to conditions previously imposed by the district court in the Eastern District of Michigan and with the additional condition that he submit to treatment and counseling as directed by the Pretrial Services Office. (Doc. No. 289).

On May 5, 2022, the Pretrial Services Office petitioned this court to take action on defendant's pretrial release. (Doc. No. 1096). The petition alleged that defendant had violated his release conditions, to wit: he had tested positive for controlled substances on multiple occasions and

has been unsuccessfully terminated from treatment due to attendance issues. (Id.). This court signed the petition and directed the Clerk's office to issue a warrant for defendant's arrest. (Id.).

Defendant was arrested in Detroit, Michigan, on May 12, 2022. (Doc. No. 1114). That same day he made his initial appearance before the United States District Court for the Eastern District of Michigan, which conditionally released him pending a final hearing before this court on the petition for action on defendant's pretrial release. (Doc. No. 1117).

On May 23, 2022, this court convened a final hearing on the petition for action on defendant's pretrial release. AUSA Rick Volk appeared on behalf of the United States. Attorney Garrett Ludwig appeared on defendant's behalf. Defendant appeared virtually from his residence in Detroit.

At the outset of the hearing, defendant admitted to violating his pretrial release conditions as alleged in the petition. Accordingly, for the reasons articulated on the record and for the reasons that follow, the court shall revoke defendant's pretrial release.

This instant proceedings are governed by 18 U.S.C. § 3148, which provided in relevant part the following:

[A] person charged with violating the condition of release that such person not commit a Federal, State, or local crime during the period of release, shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer--

- (1) finds that there is-
  - (A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or
  - (B) clear and convincing evidence that the person has violated any other condition of release; and
- (2) finds that--
  - (A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger

- to the safety of any other person or the community; or  
(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, the judicial officer shall treat the person in accordance with the provisions of section 3142 of this title and may amend the conditions of release accordingly.

18 U.S.C. § 3148(b).

Based upon defendant's admissions in open court, the court finds that there is clear and convincing evidence that defendant violated the conditions of his pretrial release prohibiting him using controlled substances and requiring him to participate in treatment as directed by the Pretrial Services Officer. The court further finds that there are presently no conditions it can impose with which defendant will abide and that will reasonably ensure the safety of the community and defendant's appearance at future proceedings. Accordingly, the court **REVOKES** defendant's pretrial release. Defendant shall immediately surrender to the Office of the United States Marshal located at the Theodore Levin U.S. Courthouse, 213 W. Lafayette Blvd., Detroit, Michigan. Upon his arrival defendant shall be remanded into custody of the Attorney General or designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences.

**IT IS SO ORDERED.**

Dated this 23rd day of May, 2022.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court